

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
RALPH M. WATSON, an individual, Plaintiff, -against- NY DOE 2, an individual; ILLINOIS DOE 1, an individual; DOE COMPANY, an unknown business entity; DOES 2 through 100, whose true names and capacities are unknown, Defendants.		Case No. 1:19-cv-533-JGK-DCF

**PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR AN ORDER DISMISSING
DEFENDANT ILLINOIS DOE 1'S COUNTERCLAIM AGAINST PLAINTIFF**

PLEASE TAKE NOTICE that Plaintiff and Counterclaim Defendant hereby moves this Court before the Honorable John G. Koeltl and Magistrate Judge Debra Freeman, United States District Court, Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York 10007, for an Order dismissing Defendant and Counterclaimant Illinois Doe 1's anti-SLAPP Counterclaim filed against him on August 19, 2021. ECF 195.

PLEASE TAKE FURTHER NOTICE that this Motion will be made on the following grounds:

- (1) That the Counterclaim should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure because it fails to state a plausible claim upon which relief can be granted;
- (2) That the Counterclaim should be dismissed pursuant to New York state's newly amended anti-SLAPP laws, N.Y. Civil Rights Law Sections 70-a and 76-a because it was commenced without a substantial basis in fact and law, and for the improper purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting Plaintiff's right to petition;

(3) That Plaintiff and Counterclaim Defendant should be entitled to recover his attorney's fees, costs and other damages incurred in defending against Illinois Doe 1's baseless counterclaim;

(4) Any other grounds determined by the Court.

This Notice and Motion will be supported by a Memorandum of Law, the Declaration of Michael W. Ayotte, the attached Exhibits and upon all prior pleadings and proceedings conducted in this case.

Dated: October 11, 2021

/s/ Michael W. Ayotte

Michael W. Ayotte

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